

Counsel debrief: The Supreme Court and litigants in person

12 APRIL 2018

Paul Hewitt

PARTNER | UK

CATEGORY:
EVENTS



Event

Event Headline

12 April | 1.00pm - 2.00pm | Withers London office | 16 Old Bailey, London, EC4M 7EG
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Litigants in person and service in *Barton v Wright Hassall LLP*

We welcome Michael Pooles QC and Henry Bankes-Jones of Hailsham Chambers to talk us through the issues in this interesting case.

The case in brief

Michael Pooles QC and Henry Bankes-Jones represented the law firm Wright Hassall LLP in the Supreme Court in the culmination of litigation over whether Mr Barton, a litigant in person, had successfully served his professional negligence claim.

Wright Hassall had originally represented Mr Barton in a dispute with another firm which had acted for him on his divorce. Mr Barton fell out with Wright Hassall. He issued a claim for professional negligence just within the limitation period. He chose to wait four months (the maximum period allowed without court permission) to serve.

Meanwhile Wright Hassall, or its insurers, had instructed another firm to defend it.

That firm emailed Mr Barton to tell him that they were instructed. However, they did not say that they had instructions to accept service by email (meaning service by email would not comply with the rules).

Mr Barton waited until the last day and served by email. A few days later the firm told Mr Barton that he was out of time to serve – and his entire claim was time barred.

Mr Barton argued that his service did comply with the rules, failing which it should be validated, or time should be extended. He lost before the District Judge and appealed to a Judge. He lost again and went to the Court of Appeal. He then went to the Supreme Court.

Mr Pooles QC and Mr Bankes-Jones succeeded in ensuring that the rules triumphed. They will address the importance of the case and lessons to be learned. The case touches on the apparent anachronistic nature of the rules bearing in mind the prevalence of electronic communication. It is

particularly interesting for the extent to which litigants in person are supposed to be bound by the same rules as those who are represented and to what extent should the court give leeway.

If you would like to request a place at this event please follow the link above.

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